FARAD CONTINUATION SHEET NO:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1217 OF 2007

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.S.Salunkhe for the petitioner.

CORAM: D.B.BHOSALE, J.
DATED: 5TH JULY, 2007

P.C.:

. Heard learned counsel for the petitioner.

2. By this writ petition, the petitioner has impugned the orders dated 5.10.2005 and 8.8.2006 passed below "Exhibits-16 and 20" respectively. The nature of prayers made in both the applications are somewhat similar. In both the applications the prayer for appointment of T.I.L.R. as a Court Commissioner is made. The court below has rejected the prayer holding that T.I.L.R. had measured the land and he was examined and cross examined before the trial Court and his evidence is on record. Merely because his evidence is discarded by the trial Court, that by itself cannot be a ground for an appointment of a Court Commissioner afresh. It is matter of appreciation

of the evidence and the appeal court has so expressed in the impugned order. In the circumstances this petition is dismissed.

(D.B.BHOSALE, J.)

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